

UNPREACH FREE SPEECH?

FREEDOM OF SPEECH AT UNIVERSITY PARK

A deliberation on the distinction between freedom of speech and use of hate speech at University Park, the repercussions of this line, and possible solutions to discuss.

APPROACHES

**Approach 1: Liberty
and Fairness**

**Approach 2: Safety
and Security**

**Approach 3:
Community and
Progress**

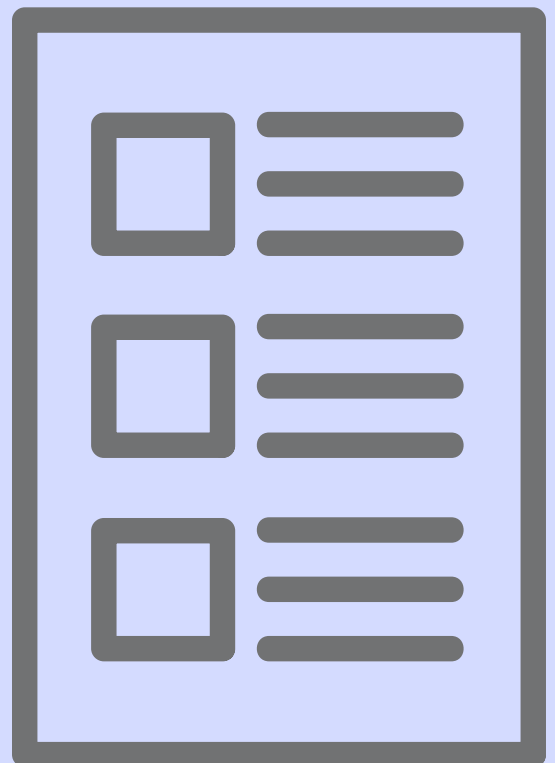
AT A GLANCE...

In this deliberation we will be focusing on the distinction between free speech and hate speech on the Penn State, University Park Campus with the goal of discussing the repercussions and possible solutions. This year on campus there have been multiple events relating this topic: In the fall, anti-abortion protesters displayed graphic images and presented degrading messages about those who are pro-choice. This past month in McElwain Hall, a semitic symbol was drawn and crossed out, leading to questions about potential anti-jewish remarks. Just this past week, a group of protestors formed outside the HUB-Robeson Center making hateful remarks about individuals who do not conform to their religious beliefs. In all of these cases, people are expressing their opinions and convictions, but these instances continually bring up the question: Where the line is drawn between an exercise of free speech and a display of hate speech? We would like to examine this question by viewing it from the angle of three different American values of liberty and fairness, safety and security, and community and progress.

**APPROACH
#1:
LIBERTY AND
FAIRNESS**

Liberty: a value Americans consider a fundamental pillar of their long standing democracy that is being tested in the modern age of free speech. In the preamble of our nation's constitution, we are given a duty to promote the general welfare and ensure domestic tranquility. The people are also ensured justice, more importantly fairness and equality of justice. But, in the context of our current environment, whose general welfare should we be more

beholden to? Those in favor of some censorship through oversight cite that some flights are "dignity harms," progressing farther than your standard trivial hate speech. Harms to dignity are greater involved than the simple deed of just offending. By besmirching one's dignity, a "public good" is undermined, the "public good" being the "implicit assurance" that everyone has an equal right to membership in the society, and that while their beliefs and morals may be subject to criticism and rejection by other citizens, nonetheless; they will retain this societal assurance. Those who argue in favor of free speech argue that without free speech, the freedom of thought will go along with it. Free speech is necessary so that others can be wrong or biased and still express their opinions, but in turn allow themselves to be subject to feedback and potential improvement by the world. Without the outside world supplying corrective feedback, it becomes very easy for ideological drifts to occur within the individual if they are allowed to become their own autonomous judge, jury, and executioner. Upholding justice and equality in the justice system is the American brand of establishing a level and objective playing field for advocates to wage ideological war. The



progressive left has been pushing aggressively for hate speech to be a wider encompassing term, diversifying the meaning of hate speech to ideologies and offensive rhetoric that offends and, by their analysis, harms the individual. Free speech does not concern the maliciousness of opinion, but merely the freedom to express that opinion. Listening and understanding alternative opinions and ways of thinking as opposed to adopting an “us versus them” mentality could improve this divide. By attaching emotional predispositions to others, they become an enemy in totality and consequently your interpretation of their speech becomes tainted by this combative lense. We propose that faculty and administration within Penn State use a laissez-faire approach to what could be considered as offensive speech, and instead rely on the community to self-regulate. This empowerment would allow ideas to be debated publicly and persecuted socially, relegating the duty of dispensing corrective feedback to the court of their peers. Allowing all ideas to be dispersed freely, the communities’ judgement of those ideas will ensure equality of opportunity while forgoing any potential censorship of controversial ideas. A potential downside could be that clashes of word escalate to physical violence, but individuals who engage in these behaviors should be prosecuted accordingly, setting a disciplinary precedent concerning that type of behavior. Establishing this disincentive will give way to the public forum becoming a floor for intellectual challenge, not a place for childish, insubstantial, shouting matches.

“WE THE PEOPLE OF THE UNITED STATES, IN ORDER TO FORM A MORE PERFECT UNION, ESTABLISH JUSTICE, INSURE DOMESTIC TRANQUILITY, PROVIDE FOR THE COMMON DEFENCE, PROMOTE THE GENERAL WELFARE, AND SECURE THE BLESSINGS OF LIBERTY TO OURSELVES AND OUR POSTERITY, DO ORDAIN AND ESTABLISH THIS CONSTITUTION FOR THE UNITED STATES OF AMERICA.”

APPROACH #2: SAFETY AND SECURITY

The first amendment grants we the people the right to speak freely our opinions, views, and values. It enables us to share values with one another, whether conflicting or similar. However, much like other rights, the first amendment can be taken to an extreme in a way that threatens safety and security of both bystanders and participants.

The extremist attitude can be seen all over the country, one example comin from the

University of Virginia in Charlottesville where white nationalists organized a march through campus bearing torches and shouting racial slurs. The next day, things became even more threatening when in admiration for Nazis, a man drove his car into a crowd of counter-protesters killing one and injuring nineteen. Coming back to school, minorities were forced to take extra precaution, as everyone came to the reconciliation that white supremacy is still very real. Although obviously harmful and distressful, these expressions are still protected under the first amendment. It's in instances like these where a line must be drawn to discriminate hate speech from free speech.

Keeping the safety and security of students at the forefront of the search for a solution, a "reactive" approach can be offered. This approach promotes unfettered free speech unless the safety of an individual is threatened, which would be judged on a case-by-case basis. Each new issue and each new speaker brings about varying degrees of intensity, so concerns would be addressed as they arise.

There have been some instances of this case-by-case plan implemented to eliminate or reduce the repercussions of hate speech at Penn State. An example



being from the past few months when President Eric Barron prohibited Richard Spencer, a white supremacist, from speaking at the university due to a conflict in student and community values. “There is no place for hatred, bigotry, or racism in our society and on our campuses” stated Barron in response to the request for Spencer to make an appearance on campus. Barron also stated his concern for the violence that might arise because of Spencer’s speech.

Addressing these issues as they arise may also have some repercussions. Making these judgement decisions calls for varying levels of responsibility, and it must be known whose duty it is to take these actions and whose it is to enforce acceptance and encouragement of these judgements. In this situation, there would be no advanced policy making, just all reactive decisions. As a result, this leaves much of the heavy lifting in the hands of the campus administration and law enforcement.

On college campuses especially, it is important to consider the safety and security of students when arriving at a conclusion. While this approach offers maximum control over the safety of students, it may not, however, address the roots of the problem at hand.

“CONGRESS SHALL MAKE NO LAW RESPECTING AN ESTABLISHMENT OF RELIGION, OR PROHIBITING THE FREE EXERCISE THEREOF; OR ABRIDGING THE FREEDOM OF SPEECH, OR OF THE PRESS; OR THE RIGHT OF THE PEOPLE PEACEABLY TO ASSEMBLE, AND TO PETITION THE GOVERNMENT FOR A REDRESS OF GRIEVANCES.”

APPROACH

#3:

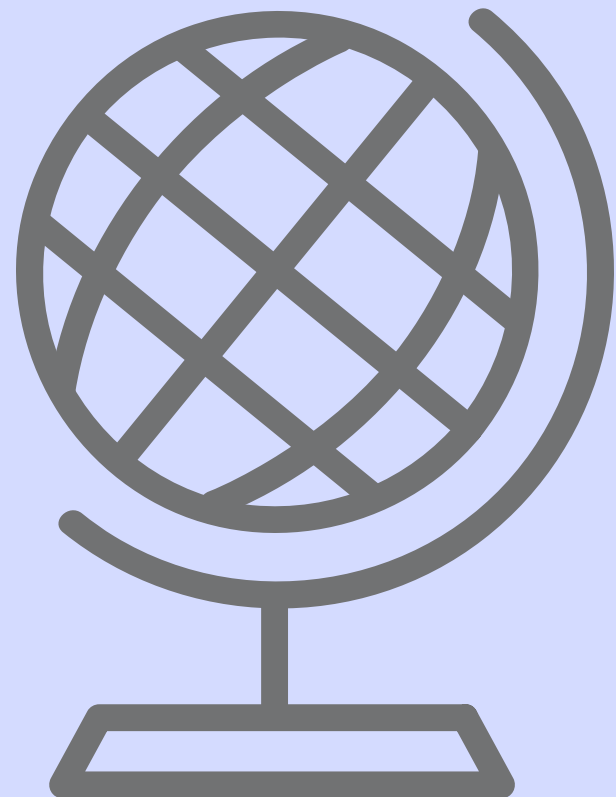
COMMUNITY AND PROGRESS

Despite Penn State's efforts to promote an equal environment for students to express their opinions, recently, there has been backlash to the free speech restrictions it has made. Since 2011, University President Eric Barron has famously/infamously supported a safe community where students are free from categorized prejudices and from organized hateful speech. This has come with the

cost of limiting students' constitutional right to open dialogue that supports academic growth and argument. In providing an inclusive, equal, and diverse community, the advantages of supporting absolute free speech may be lost. To begin with, Penn State University is a state university and receives some government funding from Pennsylvania. Governmental funds take up great portion of the budget to uphold Penn State, and since they are receiving money from American taxpayers, Americans should expect the government to enforce the upholding constitutional values, such as the First Amendment to the Constitution, at that university. In suppressing unadulterated free speech in exchange of close and self-defined community, the freedom of speech is abridged and the right of individuals to hold divergent opinions is limited.

This restricted diversity of speech is oppositional to what Penn State University values. On the contrary, "Penn Staters" hold strong commitment to emphasize diversity in their community, encouragement of all members to actively embrace the value of diversity, and participation in a community of inclusivity and equity.

Accordingly, Barron has shown efforts to uphold free speech in a manner that is organized and timely by creating zones where groups can



discuss and advocate their causes, no matter the nature. But contrary to Barron's views, many other people believe that any efforts to limit free speech are directly unconstitutional. As more of these free speech policies are scrutinized, questions arise as to how exactly these restrictions can be implemented. The administration at Penn State has tried to play both sides of the argument, but these efforts lead to overlapping legislation that vary depending on interpretation and circumstance. So, at some point simultaneously supporting free speech while regulating hate speech will favor one side of the argument. We present the idea that the fundamental values the university has to provide as a community are inclusivity, equality, and diversity, which ultimately outweigh the benefits of upholding an unadulterated sense of free speech. Judging from Penn State's administrative efforts to promote this sense of inclusivity, we the students hold these values to be most important in the hearts of the Penn State population.

“...PENN STATE ENCOURAGES AND PROTECTS THE RIGHTS OF MEMBERS OF THE UNIVERSITY COMMUNITY TO EXPRESS DIVERGENT VIEWPOINTS AND OPINIONS ON MATTERS OF CONCERN. AT THE SAME TIME, THE UNIVERSITY EXPECTS THAT PERSONS ENGAGING IN EXPRESSIVE ACTIVITY WILL DEMONSTRATE CIVILITY, CONCERN FOR THE SAFETY OF PERSONS AND PROPERTY, RESPECT FOR UNIVERSITY ACTIVITIES AND FOR THOSE WHO MAY DISAGREE WITH THEIR MESSAGE, AND WILL COMPLY WITH UNIVERSITY RULES.”

CITATIONS

Approach #1:

Staff, LII. "Preamble." LII / Legal Information Institute, 11 Nov. 2009, www.law.cornell.edu/constitution/preamble.

Approach #2:

Kaste, Martin. "Police Struggle To Balance Public Safety With Free Speech During Protests." NPR, NPR, 26 Aug. 2017. www.npr.org/2017/08/26/546167516/police-struggle-to-balance-public-safetywith-free-speech-during-protests.

"Freedom of Speech - Speech And National Security." Courthouse Library. "War, Act, and Danger - JRank Articles, law.jrank.org/page/22452/Freedom-Speech-Speech-National-Security.html.

Wolfe, Jan. "Factbox: When Can Free Speech Be Restricted in the United States?" Reuters, Thomson Reuters, 14 Aug. 2017, www.reuters.com/article/us-virginia-protests-speech-factbox/factbox-when-can-free-speech-be-restricted-in-the-united-states-idUSKCN1AU2E0.

Approach #3:

"First Amendment - U.S. Constitution." Findlaw, constitution.findlaw.com/amendment1.html.

Lori Falce "Penn State Receives Funding from Variety of Federal Agencies." Centredaily, www.centredaily.com/news/local/education/penn-state/article_139250263.html.

